

UNITED STATES BANKRUPTCY COURT
for the Eastern District of Pennsylvania

In re : Case No. 17 - 15965
Ethan A. & Carolyn Riley : (Chapter 13)
Debtors. :
: Hon. Ashely M. Chan
:

**Debtors' Motion for Sanctions
for Violation of the Automatic Stay**

AND NOW, come Debtors, Ethan A. and Carolyn Riley, by and through their attorney, Ronald G. McNeil, Esquire, hereby move to seek relief for violations of the Automatic Stay, and, as reasons therefor, state as follows:

1. Debtors commenced this case on September 1, 2017, by filing the above-captioned voluntary petition for relief under Chapter 13 of Title 11, United States Code.
2. This Honorable Court has jurisdiction to hear this motion pursuant to 11 U.S.C. § 362 and 28 U.S.C. § 1334.
3. Creditor, Forward Financing (“Forward”), alleges that Debtors had defaulted on its financing agreement.
4. On or about September 14, 2017, this Court provided Forward with a Notice of Commencement.
5. On or about October 6, 2017, Forward filed its proof of claim [P.O.C. # 5].
6. On July 31, 2018, Debtors filed their Second Amended Chapter 13 Plan, which provided for the full payment of Forward’s allowed claim. [ECF # 35]
7. Forward never objected to this Plan.

8. On November 7, 2018, this Court confirmed such Plan. [ECF # 62]
9. The Automatic Stay has not been modified or terminated as it relates Forward.
10. Despite its awareness of this bankruptcy and its satisfaction of the allowed claim amount from the Trustee, Forward began demanding payments directly from Debtors. Copies of such demand emails and the Trustee payment history are attached hereto and marked as Exhibit "A."
11. On February 27, 2024, Debtors' counsel left Greg Morin a telephonic message regarding his February 27, 2024 collection email.
12. As a result of Forward's conduct, Debtors are incurring damages including but not limited to attorney fees and legal costs and to mental anguish.
13. Debtors are seeking the award of compensatory and punitive damages, sanctions, and attorney fees for contempt of court and pursuant to 11 U.S.C. § 362(k).

WHEREFORE, Debtors respectfully request that this Court to hold Forward in contempt, to conduct a damages hearing, and to order such other and further relief as is just and proper.

Respectfully submitted,

/s/ Ronald G. McNeil
Ronald G. McNeil, Esquire
Attorney for Debtors
DATE: March 5, 2024
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